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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FREEDMAN, LAURA BETH	
ART UNIT	PAPER NUMBER
3616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,957	STERLY ET AL.	
	Examiner	Art Unit	
	Laura B. Freedman	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 21* is/are rejected.

7)☒ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received:

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 21 February 2007, in which claims 1 and 11 were amended, claims 19 and 20 were canceled, and claims 21 and 22 were added.

Drawings

2. The drawings were received on 21 February 2007. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-15, 17, 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by McHorse et al. (6,073,714). McHorse et al. disclose a stabilizer bar assembly (for example, including #84) able to be used with a vehicle having an axle assembly and a suspension system for supporting the vehicle on the axle assembly, the stabilizer bar assembly comprises:

- Stabilizer bar (including #84) having right and left ends (as can be seen in figure 3) that are operatively connected to the axle assembly at spaced locations (for example, via connection of stabilizer bar to left and right suspension assemblies)

- The stabilizer bar has one annular ring (for example, including #120) intermediate the ends
- First and second bushings (for example, including #124) each having an inner surface that contacts the stabilizer bar (best seen in figures 5-7)
- The first bushing having a groove (for example, including #130) defined within the inner surface (can be seen in figure 7) and receiving the annular ring and contacting opposite sides of the annular ring (column 5; best seen in figure 7)
- First and second brackets (for example, including #134) that each engage an outer surface of one of the bushings (best seen in figures 5-7) to secure the first and second bushings to the vehicle at first and second spaced locations (for example, secured to cross member #110)
- The location of the first bushing is established based upon the location of the annular ring and the second bushing is attached to the stabilizer bar at a location on the stabilizer bar that aligns with the second location on the vehicle (can be seen in figures 3, 4)
- The annular ring is a ring integrally formed on the stabilizer bar (the term integral being sufficiently broad to embrace constructions united by such means as fastening and welding)
- The annular ring is a separately formed ring that is secured onto the stabilizer bar in an assembly operation (for example, secured via screws #122)
- The stabilizer bar is a solid bar (solid cross section can be seen in figure 6)

- The first bushing has a cross-section that defines the groove to include first and second walls that extend outwardly from the inner surface of the bushing, the first and second walls engaging the opposite sides of the annular ring (can be seen in figure 7)
- Rib (for example, including #124a, 124d, 124e) is formed on an outer surface of the first and second bushings (best seen in figures 5, 7)
- The first and second brackets each have a receptacle portion (for example, including side walls #134c, 134d) for receiving one of the respective ribs
- Lateral loads applied to the groove by the annular ring are resisted by the bushing and transferred through the bushing to one of the ribs and, in turn, to the bracket (column 5)

Examiner notes that while reference is made to bushing assembly #116 above, the bushing assembly on the opposite side of the stabilizer bar (#114) is a mirror of this bushing assembly. Further, in regards to claims 3 and 13, the method of forming the device is not germane to the issue of patentability and has not been given patentable weight.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincaid et al. (5,954,353) in view of McHorse et al. (6,073,714). Kincaid et al. disclose a stabilizer bar assembly (for example, including #30) able to be used with a vehicle having an axle assembly and a suspension system for supporting the vehicle on the axle assembly, the stabilizer bar assembly comprises:

- Stabilizer bar (including #30) having right and left ends (as can be seen in figure 1) that are operatively connected to the axle assembly at spaced locations (for example, via connection of stabilizer bar to left and right suspension assemblies)
- First and second mounting bracket assemblies (for example, including #36) each contacting the stabilizer bar and being attached to the vehicle at spaced locations (for example, attached to frame rails #14)
- The stabilizer bar is a hollow tubular member (column 3, lines 65-67)

Kincaid et al. do not disclose the specifics of the mounting bracket assemblies. McHorse et al. teach a stabilizer bar assembly comprising mounting bracket assemblies (including #114, 116), the mounting bracket assemblies comprising bushings, brackets, annular ring, and various features of the bushing and brackets as set forth in paragraph 4 above. It would have been obvious to one skilled in the art at the time that the invention was made to modify the stabilizer bar assembly of Kincaid et al. such that it comprised bushings, brackets, annular ring, and other features as claimed in view of the teachings of McHorse et al. so as to confine the stabilizer bar against lateral movement relative to the mounting bracket assembly components, and so as to provide vibration isolation and damping benefits (McHorse et al.: column 5).

Allowable Subject Matter

7. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 21 February 2007 have been fully considered but they are not persuasive.

With respect to amended claim 1, those features pointed out in the explanation at the bottom of page 8 and the top of page 9 that are not included in the claim have not been addressed. In regards to those features that are included in claim1, the prior art reads on the amended claim as set forth above.

With respect to amended claim 11, examiner withdraws the indication of allowable subject matter of canceled claim 20.

With respect to claims 8, 11, 18, and 21, claiming a concave/curved/spherical surface for the groove/recess and a convex/curved/spherical surface for the protrusion, rather than a square/rectangular surface for similar features in the McHorse et al. reference, does not distinguish over the prior art because the McHorse et al. reference fits together and functions in the same manner, and thus the specific shape does not appear to be relevant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Freedman whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura B Freedman
Patent Examiner
Art Unit 3616

LBF

4/23/07

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